

1 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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09 CR 466 (BMC)

3 UNITED STATES OF AMERICA

United States Courthouse
Brooklyn, New York

4 versus

5 JOAQUÍN ARCHIVALDO GUZMÁN LOERA,

February 7, 2019

6 Defendant.

9:30 a. m.

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8 TRANSCRIPT OF CRIMINAL CAUSE FOR JURY TRIAL
BEFORE THE HONORABLE BRIAN M. COGAN
9 UNITED STATES DISTRICT JUDGE

10 APPEARANCES

11
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Proceedings recorded by mechanical stenography. Transcript
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Lisa Schmid, CCR, RMR
Official Court Reporter

PROCEEDINGS

1 (In open court, outside the presence of the jury at 4:15 p. m.)

2 THE CLERK: All rise.

3 THE COURT: Have a seat, please.

4 Two notes from the jury: Court Exhibit 12, "Can we
5 please request Juan Carlos Abadia's (Chupeta's) testimony in
6 regard to the Juanita shipments and ledgers. Specifically,
7 direct, cross and redirect."

8 I know the parties have been working on that. Do we
9 have a package to give the jury?

10 MR. PURPURA: Your Honor, we don't. We have
11 disagreement as to what the jury should receive. We just went
12 through it ourselves. We just passed our disagreement to the
13 Government about five minutes ago.

14 THE COURT: Okay. What I'd like you to do is, tonight
15 or tomorrow morning, send to me a marked version of the
16 testimony, showing what the Government thinks should be
17 submitted and what the defense thinks should not.

18 I take it the defense is not looking for additional
19 portions? It's thinking that the Government over-designated?

20 MR. PURPURA: On direct, yes. On cross, just the
21 opposite.

22 THE COURT: So it goes both ways?

23 MR. PURPURA: Yes.

24 THE COURT: Okay. So everybody mark in what you think
25 should be there, and put some other mark in some color

PROCEEDINGS

1 representing you what you think the other side shouldn't get in
2 there. Okay? So I can just look at the transcript to know the
3 bid and asked.

4 MS. PARLOVECCHIO: Yes.

5 THE COURT: Okay? Let's have that as soon as
6 possible, then I'll probably just issue an order tomorrow
7 afternoon, letting you know where I come out.

8 And then the jury's second note is the usual, "Can we
9 please leave at 4:15 p.m.?" Yes. I'm going to bring them in.
10 They have told us they do not want to sit tomorrow. So they
11 they're coming back on Monday, and that's the way it is.

12 I'm inclined to let Ms. Clarke talk to the alternates
13 separately, and just give the 12 the instructions that I always
14 give them before I send them off for a weekend.

15 Okay. Please assemble the jury. Don't stand up yet
16 because they're not in the hall.

17 (Pause in proceedings.)

18 THE COURT: I think we've agreed the testimony is
19 going to be long enough that we're going to give it to them,
20 not read it to them, right?

21 MS. PARLOVECCHIO: Yes, Your Honor.

22 MR. PURPURA: Yes.

23 THE COURT: Okay.

24 (Jury enters.)

25 THE COURT: All right. Everyone be seated.

PROCEEDINGS

1 Hello there, ladies and gentlemen. We have your note
2 about Chupeta's testimony and we're putting that together as
3 quickly as we can. I'm correct that you have elected not to
4 sit tomorrow, is that right?

5 JURORS: (Nods head affirmatively.)

6 THE COURT: Lots of nods. Okay.

7 So you'll that have testimony on Monday.

8 Let me just remind you to please stay away from any
9 media coverage, not to discuss the case with anyone, not to do
10 any research about the case, not to talk about the case even
11 amongst yourselves until Monday morning when all 12 of you are
12 back in that room and not until all 12 of you are back in that
13 room.

14 Other than that, please have a good weekend. Thanks
15 for your hard work.

16 (Jury exits.)

17 THE COURT: Anything else?

18 MR. PURPURA: Nothing by defense.

19 MR. LICHTMAN: Thank you, Your Honor.

20 THE COURT: Thanks. We're in recess. Have a good
21 weekend.

22 MS. PARLOVECCHIO: Have a good weekend.

23 (Trial adjourned to February 11, 2019 at 9:30 a. m.)
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INDEX

7086

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Court Exhibit 12

7084